

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

KEVIN POWELL,	:	
Plaintiff	:	No. 1:12-cv-02455
	:	
v.	:	(Judge Kane)
	:	
JOHN E.WETZEL, <u>et al.</u>,	:	(Magistrate Judge Schwab)
Defendants	:	

ORDER

AND NOW, on this 3rd day of June 2014, **IT IS HEREBY ORDERED THAT**

Magistrate Judge Schwab's Report and Recommendation (Doc. No. 44) is **ADOPTED IN PART** as follows:

1. Defendants' motion to dismiss Plaintiff's amended complaint with prejudice (Doc. No. 31) is **GRANTED** with respect to Counts I, II, and V; and **DENIED** with respect to Counts III and IV;
2. Defendants' motion to strike (Doc. No. 31) is **DENIED**; and,
3. The above-captioned action is **REFERRED BACK** to Magistrate Judge Schwab for pretrial management, including the disposition of any pending motions.

S/ Yvette Kane
Yvette Kane, District Judge
United States District Court
Middle District of Pennsylvania